

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

NORMAN BROWN, et al.	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 17-CV-4082
	)	
ANNE L. PRECYTHE, et	)	
al.,	)	
	)	
Defendants.	)	

VOLUME II

CONFIDENTIAL DEPOSITION OF JESSICA BLIESATH,  
produced, sworn and examined on the 28th day of  
December, 2017, between the hours of eight o'clock in  
the forenoon and six o'clock in the afternoon of that  
day, at the Missouri Attorney General's Office,  
Broadway State Office Building, Jefferson City,  
Missouri, before Kim D. Murphy, Certified Court  
Reporter, within and for the State of Missouri.

A P P E A R A N C E S

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15 Court Reporter:  
Kim D. Murphy, CCR

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1           IT IS HEREBY STIPULATED AND AGREED, by and  
2   between counsel for the Plaintiffs and counsel for the  
3   Defendants, that this deposition may be taken in  
4   shorthand by Kim D. Murphy, CCR, and afterwards  
5   transcribed into typewriting; and the signature of the  
6   witness is expressly waived.

7                               \*   \*   \*   \*   \*

8           JESSICA BLIESATH,  
9   of lawful age, produced, being previously sworn and  
10   examined on behalf of the Plaintiffs, deposes and says:

11                           DIRECT EXAMINATION

12   QUESTIONS BY MS. BREIHAN:

13           Q.   Good to see you again.

14           **A.   Good to see you, too.**

15           Q.   It's been about a week since you first have  
16   been testifying in this case.

17                       Have you done anything between last week  
18   and today to prepare for your deposition?

19           **A.   No.**

20           Q.   You didn't speak to anyone other than your  
21   attorneys?

22           **A.   No.**

23           Q.   Between the two?

24           **A.   No.**

25           Q.   Okay. Have you done any prehearing

1 interviews for juveniles serving life without parole  
2 since then?

3 **A. No.**

4 Q. So I want to -- I'll try not to duplicate a  
5 lot of questions from last week, but I want to go back  
6 to some of the things you were testifying about.

7 One of the things you were talking about  
8 was preparing a file before your prehearing interview;  
9 do you remember that?

10 **A. Yes.**

11 Q. And you mentioned culling information from  
12 the classification file, Case.net, MO-CIS, OPT II,  
13 FileBound, and then doing Google searches; is that a  
14 fair assessment?

15 **A. Yes.**

16 Q. What information or documents do you  
17 typically pull from a classification file in doing that  
18 file prep?

19 **A. I mean, I don't know all specifically, but**  
20 **generally there are diagnostic reports that are in the**  
21 **file.**

22 I'm trying to think of some of the document  
23 names.

24 There could be evaluations, depending how  
25 long the offender has been incarcerated. Sometimes

1 years ago, they did, like, the psych evals at  
2 sentencing and things like that. There may be copies  
3 in those. For some people. Not all.

4 They have certificates in there that we can  
5 write down their certificates. And date of receipts.

6 I'm trying to think. It could be anything.

7 We verify family members off their visiting  
8 lists and visiting applications.

9 Copies of their conduct violations are in  
10 there.

11 And I would say generally it varies, but  
12 that's the majority of it.

13 There's other things that are in there that  
14 the classified side uses that we don't.

15 Q. So these diagnostic reports you mentioned,  
16 those are complete when the individual's committed to  
17 the Department of Corrections?

18 A. Yeah. I don't know if they actually still  
19 do them currently. They probably do, like, a similar  
20 form now. But the term "diagnostic report," I think,  
21 is actually older. So these would be older reports.

22 Q. Like, how old?

23 A. It just depends. Like I said, I don't know  
24 what they call them now. I'm not familiar. But like I  
25 said, those, generally when we find a diagnostic

1 report, they're usually aged a bit from their original  
2 reception.

3 Q. What kind of information are you getting  
4 from the diagnostic reports that's relevant to your  
5 preparation and for your rehearing interview?

6 A. Me personally, the dealing particular  
7 report I use because they list their family members,  
8 gives their family members, their children, and then it  
9 will give -- it does not normally give an official  
10 version. It will usually say, "An official version was  
11 unavailable at that time, but subject stated," da, da,  
12 da, for what he's incarcerated for.

13 Normally, I would utilize this information  
14 regarding the present offense and the family  
15 information. And it gives -- it's very -- it's very  
16 plain. It says, you know, history of drug or alcohol  
17 use, yes or no, and then it says if it's checked yes,  
18 please explain. And it will just be brief.

19 Q. So there's not a lot --

20 A. Marijuana, alcohol. It's more of a form  
21 versus a report. If that make sense.

22 Q. There's not a lot of detail?

23 A. Right. It's more of a snapshot, I guess,  
24 would be a better term.

25 Q. Other than family members, or the account

1 of the present offense, is there anything that you  
2 might get from the diagnostic form regarding the  
3 prehearing interview?

4 A. It would be a case-by-case basis. If  
5 there's information on the form that I feel would be  
6 relevant, then I would use it. If not, then, like I  
7 said, it's really -- it would depend on who physically  
8 filled out the form, whether or not they were very  
9 thorough or not.

10 Q. And what about the psych evals, you said  
11 that sometimes they would be available at sentencing?

12 A. That would be if the judge ordered them or  
13 whatever.

14 Q. Are there any other psych evals, other than  
15 ones done in trial court, that are -- that you use for  
16 this file prep?

17 A. If they're available, yes.

18 Q. Do you know in the juvenile life without  
19 parole context whether any psych evals have been  
20 available?

21 A. I have, yes.

22 Q. In which cases?

23 A. I know [REDACTED] for sure. Other than  
24 his ... the only reason I say that, I did his most  
25 recently.



1           There could have been on the others and I  
2   don't recall exactly who. But I know for sure him,  
3   because I just did his within the last few months.

4           Q. And you also mentioned Case.net was another  
5   source that you might use to prepare the file for the  
6   prehearing interview. What kind of materials or  
7   information are you looking to get from Case.net?

8           A. Misdemeanor convictions.

9           Q. Anything else?

10          A. Or, if they have other -- I mean, there's  
11   also obviously felony information on Case.net. If  
12   there's protection orders, we can generally see that on  
13   Case.net.

14           I would say that's the majority of them.

15          Q. Are there instances where you go on  
16   Case.net and materials and information are just not  
17   available because of the age of the cases?

18          A. I have had instances like that, yes.  
19   They'll say you have to contact the court directly. Or  
20   it just doesn't recognize the case number.

21          Q. Do you contact the court to get documents,  
22   too?

23          A. If it's outside of the present offense,  
24   then not generally. If it has to do with the present  
25   offense, then we would obviously have to get the

1 information.

2 A lot of times if it's misdemeanor  
3 convictions, we -- if we didn't have the information  
4 due to the age of the offense, we would just note that  
5 in the report.

6 Q. Do you remember pulling any documents from  
7 Case.net for any of the JL WOPers?

8 A. No. That's probably because of the age  
9 they wouldn't have anything in there. Unless it  
10 occurred post this, their current offense, like, their  
11 original offense.

12 Q. So unless they picked up a charge while  
13 they were incarcerated?

14 A. Right. And that would generally be  
15 available in our system versus Case.net.

16 Q. Can you give me an idea of what documents  
17 you pull from MO-CIS in doing your file prep?

18 A. I use it for, like, family. Again, family  
19 contacts. And program participation. They'll have  
20 listings in their tab.

21 Have you heard that term? It's a  
22 transition of accountability plan.

23 Q. Yeah.

24 A. They'll have entries within that document  
25 that we can verify programs.

1           But MO-CIS, that's generally home plan  
2   information. We enter our home plan information there.  
3   That pretty much covers it. It's very limited.  
4   There's not a lot within that system.

5           Q.    What about OPT II? What kind of  
6   information or documents do you pull from OPT II?

7           A.    That's our main source of information.  
8   That's where we get all of the -- all of the  
9   department-generated documents. So if they had  
10  violation reports, listings of conduct violations,  
11  their statuses. Their classification. That's, like,  
12  the main hub of information.

13          Q.    Does it have any information about medical  
14  or mental health?

15          A.    It will have their medications listed.  
16  Their medication listing. And it just has their  
17  classification of their mental health and medical  
18  scores.

19          Q.    Does it have anything else, other than  
20  conduct violation reports and classifications, medical,  
21  or medication listing, anything else?

22          A.    Do you have a specific document? Like I  
23  said, it's -- it's like the mainframe of everything  
24  that we.

25          Q.    I'm just trying to get a sense of what you

1 pull from there in doing your file prep. Like, what  
2 you say is important, relevant, from that system?

3 A. That is going to be -- it's hard to  
4 describe, because it's where we get all the information  
5 from. That's where I type my report out of it, is that  
6 program.

7 Q. Your prehearing report you type in OPT II?

8 A. Yeah.

9 Q. So it's just -- you're just not able to  
10 answer more specifically what kinds of documents or  
11 information you pull from OPT II in doing these  
12 prehearing file preps?

13 A. Well, other than, like I said, it's -- we  
14 take all these other things and put them all together.  
15 But conduct violation information. Their criminal  
16 history. That would be listed in there.

17 It kind of doubles up with everything. We  
18 use it to compare things or things that needs to  
19 corrected. So I don't know that there's anything else  
20 specifically that.

21 If they had, you know, if they were on  
22 supervision at any point in time -- but that wouldn't  
23 apply to these guys -- if they were on supervision at  
24 any point in time, we would read their violation  
25 reports on there. Their field violation reports. Any

1     sentencing documents that were available in that  
2     system, we can pull from there.

3             Like the SAR, or presentence investigation,  
4     if it was completed by us, then we would have it in  
5     there. After that program came online, though. That's  
6     just it, if not, it would be in FileBound.

7             Q.    Okay. So tell me about FileBound, what  
8     kinds of document or information do you get from  
9     FileBound in doing your file prep for the prehearing  
10    interviews?

11            A.    Sentence and judgment paperwork. And any  
12    pre-OPT II documents, if available.

13            Q.    So when did Missouri Department of  
14    Corrections start using OPT II?

15            A.    I don't recall the exact date. But I wanna  
16    say the late 1990s. 1995. Between '95 and '98 maybe.  
17    Something like that. It was before my time, so I'm not  
18    sure.

19            Q.    Safe to say, for at least the JL WOPers  
20    that you encountered, that they were incarcerated for  
21    many, many years before OPT II was used?

22            A.    Yes. The majority of information, if  
23    available, would be in FileBound.

24            Q.    So other than the sentence and judgment and  
25    pre-OPT II documents, are you able to identify more

1 specifically what kinds of information or documents you  
2 would pull from FileBound when doing your prehearing  
3 prep?

4 A. I look at their support letters that are in  
5 there. And then we also add -- like, if we receive  
6 support letters for them, we add them. I don't  
7 personally do it, but our secretary adds them to the  
8 system.

9 But other than just the predated  
10 information, there's nothing else in there that would  
11 be useful. And the predated information is very broad,  
12 but that could be those sentencing reports that were  
13 pre-OPT II. Any evaluations that were pre-OPT II. And  
14 anything that may be, like, in the file at central  
15 office versus the file at the institution.

16 Q. So when are sentencing reports prepared?

17 A. Following their -- either finding of guilt  
18 or plea.

19 Q. And are they prepared in all instances?

20 A. I don't believe so. That's based off of  
21 the judge.

22 Q. Are you aware of whether they're prepared  
23 where the sentence is mandatory?

24 A. I think there are some, yes. I know they  
25 were for -- you mean like a life without? Is that what

1     **you're referencing?**

2             Q.     Yeah. So the plaintiffs in this case all  
3     have a life without parole sentence that was imposed  
4     mandatorily; there was no other sentencing option for  
5     first-degree murder --

6             **A.     Right.**

7             Q.     -- that was constitutional.

8                     And so my question is, in an instance like  
9     that, when there's no choice about sentencing, is a  
10    sentencing report still prepared?

11            **A.     I don't -- I'm not aware. I can't speak**  
12    **on -- that would be if a judge would order it or not.**  
13    **That's outside of our agencies.**

14            Q.     Do you recall seeing any sentencing reports  
15    in the, four, I think, JL WOPers that you did the  
16    prehearing reports for?

17            **A.     Yeah. I'm trying to think. I believe**  
18    **Mr. [REDACTED] had one.**

19                     And, again I keep -- I don't like to keep  
20    referring back to it every time, but that's the most  
21    recent one. And they may be titled something -- you  
22    know, it may be a presentencing investigation versus  
23    the sentencing report. Because PSI was prior to the  
24    sentencing assessment report. They're a similar  
25    document, just a different name.

1                   Without looking at their file, I couldn't  
2   say for sure.

3           Q.    And then the other source of information  
4   for your prep is Google searching, correct?

5           A.    If it would be something that we could  
6   find, like a newspaper article.  These classes are  
7   difficult because they're so old.  But sometimes there  
8   are newspaper articles or appeals from various filings  
9   that we can resource.

10          Q.    So that was sort of getting to my question,  
11   what kind of sources are you going to when you're  
12   doing, like, an Internet research?

13          A.    That's what it would be.  If there were  
14   newspaper articles from that particular search, or if  
15   there were appeals or something that was filed that we  
16   could get information.

17          Q.    Are you getting information from Wikipedia?

18          A.    No.

19          Q.    Or, like, individual blog websites?

20          A.    No.

21          Q.    Things like that?

22          A.    No.

23          Q.    And is this information-culling part of the  
24   prehearing interview prep, is that the same process you  
25   go through for every individual that you work with?



1           **A.     Yes.**

2           Q.     And any notes that you have from that prep  
3     for the prehearing interview you testified that you  
4     shred after a couple of months, I think?

5           **A.     Yeah. I keep it for at least 60 days. And**  
6     **then generally they're just shredded after that.**  
7     **They're just worksheets.**

8           Q.     But I think you testified that they're  
9     there -- the worksheets we marked as Exhibit 4 last  
10    time -- but then also you might have handwritten notes  
11    or printouts from doing the file prep, correct?

12          **A.     It's possible. But I generally -- the**  
13    **majority of my work is done on that worksheet. Like, I**  
14    **may have a copy of the violation report that's**  
15    **highlighted or something like that. But beyond that,**  
16    **no.**

17          Q.     And even in the JL WOP cases, you still, up  
18    until December, you would just keep it 60 days or so  
19    and then shred it?

20          **A.     Yeah. All the same.**

21          Q.     Were you ever told to stop shredding your  
22    notes or those prehearing worksheets?

23          **A.     Shortly before this.**

24          Q.     Before your deposition?

25          **A.     Yeah.**

1 Q. But do you know when this case was filed?

2 A. It's been a while. But I'm not --

3 Q. I'm taxing my memory, but I think it was  
4 filed back in May of this year.

5 Did anyone tell you in May or June of this  
6 year to stop shredding your notes or your worksheets?

7 A. No.

8 (Deposition Exhibit No. 7 was marked for  
9 identification.)

10 BY MS. BREIHAN:

11 Q. I'm going to hand you what I've marked as  
12 Exhibit 7. It's Bates No. 33.

13 Do you recognize this document?

14 A. Uh-huh.

15 Q. And what is it?

16 A. An email that was forwarded to me.

17 Q. It looks like an email forwarded to you by  
18 Scott Berkbighler on December 14, 2017, correct?

19 A. Yes.

20 Q. Do you recall receiving this email?

21 A. Mm-hmm.

22 Q. And did you discuss it with anyone?

23 A. No.

24 Q. You didn't have any questions about why  
25 Michelle Kasak was telling all the DA's to let their

1 cites with JL WOP cases not to shred the prehearing  
2 worksheet?

3 A. No. I assumed it was because my worksheet  
4 was requested and I didn't have it. So I just --

5 Q. Okay.

6 A. I don't think -- I didn't think anything  
7 beyond that.

8 Q. Okay. Have you conducted any prehearing  
9 interviews for JL WOPers since December 14th?

10 A. No.

11 Q. Who's present during the prehearing  
12 interviews?

13 A. Myself and the offender.

14 Q. No one else?

15 A. Huh-uh.

16 Q. And during that process, do you give an  
17 inmate any advice about the upcoming hearing?

18 A. If they have questions, I'll answer their  
19 questions.

20 Q. But you don't give them advice about how to  
21 conduct themselves, or --

22 A. If it's general conversation, there's a  
23 possibility that I would. I mean, I don't know that I  
24 would call it advice. It's more so if they have a  
25 response -- if I have a response to their question. If

1     it comes out in the form of advice, I guess you could  
2     assume it would be advice, but it's generally a  
3     response to their question.

4             Q.     I'd imagine that a typical question might  
5     be how's the hearing gonna go?  What's it gonna be  
6     like?  Do you get questions like that?

7             A.     Yeah.

8             Q.     And what do you tell them?

9             A.     I explain to them it's a panel of three  
10    people.  And they'll ask you a series of questions.  
11    One person will generally conduct the majority of the  
12    interview.  And if the others have any questions, they  
13    will be given that opportunity.

14            Q.     Anything else?

15            A.     Not -- again, not unless they're asking  
16    something more specific.  That's the format of a  
17    hearing, how I would explain it to them.

18            Q.     And in the prehearing worksheet  
19    that' you walk through with the inmate before their  
20    parole hearing, it talks about your assessment and  
21    recommendation, Section B of the report, summarizing  
22    their strengths and weaknesses utilizing the seven  
23    critical criminogenic needs?

24            A.     Uh-huh.

25            Q.     What are those seven critical criminogenic

1 needs?

2           **A. Associates, recreation, family, attitude,**  
3 **education, substance abuse, and employment.**

4           Q. And it looks like you're reading that from  
5 the Exhibit 4?

6           **A. Correct.**

7           Q. Can you explain to me more descriptively  
8 what those mean?

9           **A. We look at those as areas that they're**  
10 **either -- if there's concerns associated to those**  
11 **things. Or if that's one of their positive -- I don't**  
12 **want to say qualities, attributes, whatever -- needing**  
13 **less attention.**

14                 **So some things may not truly be a present**  
15 **need, or have a greater need than one of the others.**  
16 **And really we address the majority of those throughout**  
17 **the entire report as well in each of their respective**  
18 **sections.**

19           Q. Okay. And below that there are a few  
20 highlighted sentences. Bolded sentences. One says,  
21 "The degree of the defendant's culpability in light of  
22 his or her age and role in the offense." And then  
23 there's a parenthetical, "Does the official  
24 version/police record/offender make note of being a  
25 leader or follower in the present offense."

1                   What if the official version of the police  
2     record and the inmate's version of the story are all  
3     different in that regard?

4                   **A.     I would note the differences that they**  
5     **stated.**

6                   Q.     Do you fact-check any of those accounts of  
7     the crime?

8                   **A.     You mean the official record?   Or his**  
9     **information that he provides -- he or she provides?**

10                  Q.     Any of it.

11                         So if you have what you're referring to as  
12     an official version of the crime, and what the inmate's  
13     telling you, and if they differ, do you fact-check one  
14     against the other or against some other resource?

15                   **A.     No.   We would use our official document**  
16     **versus what they state and note the differences if they**  
17     **were present.   Like, if the offender noted something**  
18     **that was not accurate, or he had a different version of**  
19     **it, then we would note that.**

20                  Q.     But you don't do any sort of analysis or  
21     weighing of the differences, you're just simply noting  
22     that there is a difference?

23                   **A.     Right.**

24                  Q.     How many of these prehearing reports have  
25     you done since you've been an IPO?

1           A.    The juveniles?  Or all?

2           Q.    All.

3           A.    I think I'm on my eleventh year as an  
4 officer.  We probably range, I'd say, probably between  
5 a thousand and 1200 reports.

6           Q.    And you've already testified you've done  
7 four for JL WOPers, correct?

8           A.    I believe that's the correct number.

9           Q.    How long does it take for you to complete a  
10 prehearing report?

11          A.    It varies.  There's no set amount of time.  
12 If somebody has more case material, it will take  
13 longer, obviously, to prepare it and type it.  We can  
14 dictate if we chose to -- I don't -- but it varies.

15          Q.    On average, how long does it take?  I'm not  
16 asking you to include the time you do your interview  
17 with the inmate, but just typing up the report, how  
18 long does that take?

19          A.    Just to type it?

20          Q.    Yeah.  On average.

21          A.    Maybe an hour to two hours.  Assuming I  
22 don't have tons of interruptions.

23          Q.    Does that happen a lot, that you get  
24 interrupted in your work?

25          A.    Not generally.

1           Q.    Are you aware of any written policy and  
2    procedure on how you're supposed to be preparing these  
3    prehearing reports?

4           **A.    There's a format within policy.  But other**  
5    **than that ...**

6                    **(Deposition Exhibit No. 8 was marked for**  
7    **identification.)**

8    BY MS. BREIHAN:

9           Q.    I'll show you what I've marked as  
10   Exhibit 8.  And let me know if the format you're  
11   referring to is within this procedure number P64.1.

12                   This is the document Bates-stamped AG003584  
13   through 3593.

14           **A.    Yes.  This is what the worksheet is.**

15           Q.    And you're talking on paragraph 3C?

16           **A.    Correct.**

17           Q.    And you follow the same format for every  
18   prehearing report you do regardless of whether the  
19   inmate is serving juvenile life without parole or not,  
20   correct?

21           **A.    Correct.**

22           Q.    Are there any other policies and procedures  
23   that you're aware of, other than this Exhibit 8, that  
24   governs you or guides you in writing the prehearing  
25   report?



1           **A.     No.**

2           Q.     What is a criminogenic behavior research  
3 summary?

4           **A.     That was the listing of their criminal**  
5 **history.**

6           Q.     And what's the gender response assessment  
7 tool?

8           **A.     There is not a male offender component at**  
9 **this point. It's something that's utilized on the**  
10 **female institution side and the female supervision**  
11 **side.**

12                   I'm not -- I don't have enough information  
13 on it to -- there's not a -- male, I think there's  
14 something that's coming out for the male component, but  
15 we've not received any information on it.

16           Q.     You work in all-male prison, correct?

17           **A.     Correct.**

18           Q.     Do you know why there would be an  
19 assessment tool that is specifically geared toward  
20 female inmates?

21           **A.     I do not.**

22           Q.     And what are the guideline matrixes?

23           **A.     Which section are you looking at?**

24           Q.     I'm looking in the definition sections.

25           **A.     Okay.**

1           Q.    These are terms that are used throughout  
2   the policy and procedure.

3           **A.    That's the dates that are determined by the**  
4   **salient factor score calculations.**

5           Q.    And the salient factor score is not used in  
6   the JL WOP cases, correct?

7           **A.    Correct.**

8           Q.    So there's no guideline matrixes for the  
9   JL WOP decisions, correct?

10          **A.    Correct.**

11          Q.    And last week you testified that you're  
12   doing a professional assessment during the prehearing  
13   process, correct? I think that was the term you used,  
14   "professional assessment?"

15          **A.    Correct.**

16          Q.    What are you assessing?

17          **A.    You mean, within -- what we use is based**  
18   **off of the information that's provided and what we note**  
19   **at the time of our interview. And the information's**  
20   **given to us. They're kind of like their assets and**  
21   **their liabilities. And that would be their assessment.**  
22   **The assessment of them.**

23          Q.    Okay. So you're assessing their assets and  
24   their liabilities, correct?

25          **A.    Right.**

1 Q. Anything else?

2 A. I mean, is there a specific reference that  
3 you're --

4 Q. I'm just trying to understand what you  
5 meant by doing a professional assessment.

6 A. Based off of what the offender has reported  
7 to us, like I said, versus what we have available.

8 And we can also, I've also gauged, like,  
9 especially with the juvenile cases, you know, their  
10 behaviors at the beginning of their sentences versus  
11 now. That has also been something that I've personally  
12 taken into consideration.

13 And so, I mean, really it's kind of a broad  
14 range, but it can be anything to -- that would appear  
15 pertinent to the case. Or I guess the case as a whole,  
16 not specifically the present offense.

17 Q. You said you'd take into consideration the  
18 inmate's behavior from the start of the sentence until  
19 now?

20 A. Yeah.

21 Q. How do you do that?

22 A. It's noting improvements or lack thereof.

23 Q. So just by looking at their conduct  
24 violations over time?

25 A. Right. Their conduct violations.

1 Generally, you can see the trend when they start to  
2 improve. And a lot of times that will mirror, like,  
3 their program participation. If they start  
4 participation in more programs, generally their  
5 conduct -- you can see the shift in behavior, is the  
6 best way to describe it.

7 Q. And so the professional assessment you do  
8 is assessing an inmate's assets and liabilities,  
9 correct?

10 A. Correct.

11 Q. What's your methodology for doing that?

12 A. Can you be more specific?

13 Q. What's your approach, and what variables do  
14 you consider, and what weight do you give those  
15 variables?

16 A. It's really case by case. It's hard to  
17 speak very generally.

18 If you have a -- do you have a specific  
19 example? Because it's -- I mean, without having it --  
20 because obviously some people have more liabilities  
21 than assets, and/or assets than liabilities. So  
22 it's --

23 Q. If there's not, you know, some sort of  
24 documented formula or methodology that you apply, and  
25 if it's just a subjective case-by case-decision, and

1     that's what it is, I just want to make sure I  
2     understand what you're testifying to.

3             **A.**     I don't go into my reports with a set "this  
4     is how," you know, your every single response, because  
5     it's all different. Each offender is very different.

6             To allow myself -- I'm rational and I'm  
7     open-minded. I allow each case to be its own. So  
8     while I conduct everything the same from beginning to  
9     end, my assessment of somebody is going to be different  
10    for each person. You know, how, the outcome of that.

11            **Q.**     Do you use any sort of clinical tools in  
12    conducting your professional assessment?

13            **A.**     No other than what -- I mean -- no.

14            **Q.**     No. Okay.

15            Do you know what the Minnesota Multifaceted  
16    Personality Inventory for Structured Form is?

17            **A.**     No.

18            **Q.**     Have you heard of the HCR 20?

19            **A.**     Nope.

20            **Q.**     What about the Harris Psychopathy  
21    Checklist?

22            **A.**     No.

23            **Q.**     Last week we used as -- Exhibit No. 6 --  
24    the prehearing report. I think you mentioned there was  
25    an error in date in that report.

1                   So I'll show you what I've marked  
2   Exhibit 9, and let me know if this is the corrected  
3   updated version of that report.

4                   This is AGO02857 through 2869.

5                   (Deposition Exhibit No. 9 was marked for  
6   identification.)

7                   THE WITNESS:   Yes.

8   BY MS. BREIHAN:

9                   Q.    This is the corrected version?

10                  **A.   Uh-huh.**

11                  Q.    And so this reflects it was corrected by  
12   you?

13                  **A.   Yes.**

14                  Q.    And if you look on the very last page,  
15   there's a line for signature by both you and  
16   Mr. Berkbigler?

17                  **A.   Correct.**

18                  Q.    Would you typically sign these reports once  
19   they were finalized?

20                  **A.   Yes.**

21                  Q.    So there should be a signed copy in the  
22   inmate's parole file?

23                  **A.   That's correct.**

24                  Q.    Multiple times last week when we were  
25   discussing what was in the prehearing report, you would

1     qualify statements in the report by saying something  
2     like -- something to the effect, "well, that's what he  
3     told me," referring to Sidney Roberts.

4                     Do you recall some of that testimony?

5             **A.    His report of information?**

6             Q.    Uh-huh.

7             **A.    Yes.**

8             Q.    Why is it that you would qualify it in that  
9     way?

10            **A.    Because if it's not information that was**  
11 **provided by me, or a document, I would want that noted.**

12            Q.    Do you ever assess or verify information  
13     that an inmate shares with you that becomes part of  
14     your report?

15            **A.    If it has to do -- if it's something that I**  
16 **can verify, there have been instances where I've done**  
17 **that before. But if not, then, no.**

18            Q.    And how would you do that, if you were able  
19     to verify it?

20            **A.    If I was told -- the best example I could**  
21 **give is a conduct violation. If I was told that it**  
22 **should have been expunged, then I would then go through**  
23 **the proper channels about contacting somebody about**  
24 **that.**

25                     But if it's the offenders account of

1 something, then that's their -- they're entitled to  
2 that account. So I would put that in there.

3 Q. Do you ever check, for example, their  
4 description of the underlying offense against the trial  
5 transcript?

6 A. No.

7 Q. Would you ever check it against police  
8 reports?

9 A. Yes. If we had that. We have our official  
10 version. Is that what you mean? Versus like the --

11 Q. I mean, like, actual police reports?

12 A. If they are not in our file material as  
13 part of the official report, then, no, we would not  
14 have that.

15 Q. Because I think Exhibit 5 is what you might  
16 be referring to.

17 A. Right.

18 Q. I'm talking about an official version.

19 A. Right.

20 Q. And this is the response to a board  
21 information request in 2007, correct?

22 A. Yes.

23 Q. Do you know why this was being requested in  
24 2007?

25 A. I would -- why I was requesting it in 2007,



1 I'm not sure.

2 I can tell you generally, whenever they  
3 come into the institution, and there's not a police  
4 report, they will request one at that time. Or an  
5 official version. And then the request goes to the  
6 field office. The field office obtains the police  
7 report, and then completes this report based off the  
8 police report.

9 Q. But you're not saying Sidney Roberts was  
10 admitted into the Department of Corrections in 2007,  
11 right?

12 A. No. That's why I don't understand. I  
13 don't know why it was requested. Unless they were -- I  
14 don't know. I can't speak on that.

15 Q. Would you review -- have reviewed -- we can  
16 talk about Mr. Roberts in particular -- his state  
17 habeas petition?

18 A. I don't recall specifically.

19 Q. What about his federal habeas petition?

20 A. I don't recall specifically.

21 Q. Is this something that you would generally  
22 look for?

23 A. If it -- if it was available to us, there's  
24 a possibility. If it was not available, then, no.

25 Q. Do you know what PACER is?

1           **A.     What is it?**

2           Q.     PACER.  It's an acronym.  You mentioned  
3     using Case.net.  And that's the state courts website  
4     for records and case-related documents?

5           **A.     Right.**

6           Q.     There's sort of a similar system for the  
7     federal system that's referred to as PACER.

8           **A.     I don't even know if we have access to it.**  
9     **Is it for the general public?**

10          Q.     That's why I was asking if you had access  
11     to it.

12          **A.     Case.net is for the general public.**

13          Q.     Are you able to download documents from  
14     Case.net?

15          **A.     No.**

16          Q.     But you're able to open them up --

17          **A.     It's not really --**

18          Q.     -- with a viewer?

19          **A.     Yeah.  Like, you can click on it.  It's**  
20     **not -- I guess if you printed it it would be a**  
21     **document.  But it's just a -- it's not, no.**

22          Q.     I guess I'm -- I'll ask it this way:  If  
23     you go into -- for example, let's say you had the case  
24     number for Mr. Roberts' petition for Writ of Habeas  
25     Corpus with the Missouri Supreme Court, and you typed

1     it into Case.net, would you be -- get access to where  
2     there are hyperlink that you can view in a viewer?

3             **A.     No.**

4             Q.     So even if you're going onto Case.net,  
5     you're not able to see the actual documents within the  
6     case?

7             **A.     That's right.   It's just data entry,**  
8     **basically.**

9             Q.     Not high-level information?

10            **A.     Yes.**

11            Q.     Did you speak with his attorney at all?

12            **A.     Not to my knowledge.   It's possible.   Only**  
13     **if they would to have contacted me.**

14            Q.     You don't remember talking to him?

15            **A.     I don't know if we actually spoke on the**  
16     **phone or not.   If we did, it would have been about him**  
17     **specifically, or about the process.**

18            Q.     One of the things I brought up last week  
19     was this part in the report -- I think it's on page six  
20     of the report -- it talks about Sidney being in a group  
21     of kids that go roller skating.

22                    So it's in the same paragraph where you're  
23     talking about gang affiliation, correct.

24            **A.     Right.   Correct.**

25            Q.     You've had training on gang identification,

1 correct?

2 A. Uh-huh.

3 Q. Do you feel equipped to being able to  
4 identify whether an inmate is or is not in a gang?

5 A. I would wouldn't say conclusively. If they  
6 have what would be considered gang-related tattoos, or  
7 they've been verified through other Intel, security  
8 threat group Intel, then, yes.

9 Q. And is that -- if they had gang-related  
10 tattoos, or were identified through Intel as having  
11 gang affiliations, is that something you would note in  
12 your prehearing report?

13 A. Yes.

14 Q. You would note the absence of that as well?

15 A. Yeah. If there is no mention of it, then I  
16 would say, yes, there's no -- not necessarily  
17 specifically that information -- but if they were to  
18 state, you know, if I asked them, "Are you affiliated  
19 with a gang, past or present?" "No." "Subject denied  
20 gang affiliation."

21 I don't know. "Roberts would deny gang  
22 affiliation."

23 Q. Do you feel like you have the resources you  
24 need to make an assessment about whether an inmate is  
25 or is not in a gang?

1           **A.     Yes.**

2           Q.     And to verify when an inmate tells you they  
3     are or not in a gang, you have information available to  
4     verify that?

5           **A.     That they're not in a gang?**

6           Q.     Yeah. So here, for example, "Sidney denied  
7     being affiliated with a gang."

8           **A.     Right.**

9           Q.     But then you go on to say, "However, he  
10    said he and some kids from the neighborhood" s-o when  
11    he was just a kid -- "were a dancing group and would go  
12    roller skating." So it seems you're not saying  
13    anything there about whether is or is not in a gang?

14          **A.     Right. I noted that he was denying being**  
15    **affiliated with a gang. And then he further reported**  
16    **the rest of the information.**

17          Q.     So my question is, did you have the  
18    resources you needed to verify whether or not Sidney  
19    was in a gang?

20          **A.     No. I guess I didn't feel as though it**  
21    **was -- generally if they tell me that they're not**  
22    **gang-affiliated, it stops at that and I move on.**

23          Q.     Okay.

24          **A.     If they further want to discuss it, then**  
25    **that's fine, they can. But, I mean, I can check the**

1 security threat group listings if they, you know, if  
2 it's available. But beyond that, no.

3 Q. And then starting at the bottom of page ten  
4 there's your section on his social and family history.  
5 And it says that Sidney was born and raised in  
6 St. Louis, Missouri by his parents.

7 Do you see where I'm at?

8 A. Mm-hmm.

9 Q. It doesn't mention what neighborhood in  
10 St. Louis he grew up in, does it?

11 A. I don't believe so, no.

12 Q. Does it mention whether he lived in a  
13 segregated neighborhood?

14 A. It would have to be information that he  
15 provided to me. So if he did not provide that then no,  
16 I didn't have it.

17 Q. Did you ask any follow-up questions about  
18 where he lived in St. Louis?

19 A. No. I said where we you born and raised.  
20 Or where did you recall spending the majority of your  
21 life. St. Louis. That's all he provided.

22 Q. Did you ask whether he lived in a poor  
23 neighborhood?

24 A. No.

25 Q. Did you ask whether he lived in a

1 high-crime area?

2 A. I recall maybe him mentioning that. But I  
3 don't -- I don't remember asking that specifically, no.

4 Q. And it's not noted in your report, is it?

5 A. No.

6 Q. Did any of that matter? Whether Sidney  
7 grew up in a segregated low-income high-crime area?

8 A. I mean, I guess it could have played a part  
9 in it. But it doesn't -- I guess for the purposes of  
10 this section, that -- unless he would provided that  
11 specific information, I wouldn't have it. So ...

12 Q. I understand that. I understand that part  
13 of your testimony. I want to know if it matters to  
14 your assessment whether Sidney grew up in a low-income  
15 high-crime neighborhood.

16 A. I mean, it would matter, yes. But if he  
17 doesn't give that information to me, then I can't --  
18 I'm not familiar with, you know, every neighborhood in  
19 St. Louis. So I can't speak, you know, without him  
20 discussing that information, or being open to  
21 discussing that information, then I wouldn't have that.

22 Q. Did you ever ask Sidney questions that he  
23 refused to answer?

24 A. I don't recall, no.

25 Q. He's a pretty cooperative, talkative guy?

1           **A.    Yes.**

2           Q.    Did you ask him any deeper questions about  
3 the community in which he grew up?

4           **A.    Not other than if he were to have disclosed**  
5 **it, no.**

6           Q.    And it mentions that his parents divorced  
7 and Sidney lived with his mother, correct?

8           **A.    Yes.**

9           Q.    Doesn't mention that he bounced around from  
10 house to house before he settled down with his mother,  
11 correct?

12          **A.    Can you say that one more time?**

13          Q.    The report doesn't mention that Sidney  
14 bounced around from house to house before eventually  
15 settling in with his mother after his parents' divorce,  
16 correct?

17          **A.    No.**

18          Q.    [REDACTED]  
19 [REDACTED],  
20 [REDACTED]?

21          **A.    Not if he would not have given that**  
22 **information.**

23          Q.    But does your report mention it?

24          **A.    [REDACTED] [REDACTED]**  
25 **[REDACTED].**



1 Q. If you look on page 11 of the report.

2 A. Okay.

3 Q. It says --

4 A. Yes.

5 Q. -- "his mother suffered from a crack  
6 cocaine addiction; however, he said she's now clean and  
7 doing very well?"

8 A. I didn't read that far down.

9 Yes, that's correct.

10 Q. Did you ask any questions about his  
11 mother's cocaine addiction?

12 A. Not specifically.

13 Q. You didn't ask about how long it went on or  
14 how it impacted him?

15 A. No.

16 Q. And it also mentions, in passing, that  
17 Sidney's father was extremely physical and verbally  
18 abusive?

19 A. Correct.

20 Q. Doesn't mention that he would abuse him,  
21 Sidney, in front of Sidney's friends, does it?

22 A. No. If he did not report that to me, then,  
23 no.

24 Q. And you didn't ask follow-up questions  
25 about that, about the abuse?

1           A.    We ask, you know, what was he subjected to.  
2   And if -- if he provides me a vague response, sometimes  
3   some people don't -- aren't comfortable with discussing  
4   it further.

5                   I'm generally a very easy person to talk  
6   to. And if I feel like they're being kind of resistant  
7   to something, I may not press it.

8           Q.    So is it your testimony that Sidney was  
9   resistant to sharing more details?

10          A.    I'm just speaking generally, not just to  
11   Mr. Roberts.

12          Q.    This report doesn't talk about the time  
13   that Sidney's father beat him with a belt so hard that  
14   it left a welt on him?

15          A.    No.

16          Q.    This report doesn't talk about Sidney's  
17   father threatened his mother with a gun in front of  
18   him, does it?

19          A.    No.

20          Q.    Does any of that abuse or unstable, you  
21   know, childhood, or mother's drug addiction for well  
22   over a decade, matter to your professional assessment?

23          A.    It could possibly. But we're assessing  
24   their -- you know, that is a part of it. But I  
25   guess -- I see what you're saying -- but I guess when

1 we look at that we are providing the information to the  
2 board to allow them to make that decision. And we are  
3 assessing their, you know, potential, like, leading  
4 into a release. Not that it doesn't matter; it does.  
5 But it -- I guess, unless they provide something like  
6 that, it's hard to put a, like, a weight factor on  
7 that.

8 Q. So --

9 A. I'm not saying it's not important.

10 Q. You mentioned when you described to the  
11 inmate what the hearing's going to be like, you tell  
12 them it's a three-panel hearing, correct?

13 A. Right.

14 Q. With just one board member on that hearing,  
15 correct?

16 A. Right.

17 Q. So even those these are majority-board  
18 decisions, only you and that panel actually get to sit  
19 down and talk to the inmate before a decision is made,  
20 correct?

21 A. Correct.

22 Q. And you're preparing this report to give  
23 information for the board to help them make their  
24 decision, correct?

25 A. Right.

1           Q.    So it's important what information goes  
2   into or doesn't go into this report, correct?

3           A.    I would agree, yeah.

4           Q.    And you have to make a call about what  
5   information you think is important to include in the  
6   report, correct?

7           A.    Right.

8           Q.    But it doesn't contain information about,  
9   you know, his childhood and his community in any  
10   detail, correct?

11          A.    Not in great detail, no.

12          Q.    What are Sidney's criminogenic risks and  
13   needs?

14          A.    Without sitting here and going through this  
15   entire report ... do you have a different way you  
16   wanna --

17          Q.    No. Is there somewhere in the report where  
18   they're summarized or identified?

19          A.    Like I said, a lot of them are addressed  
20   throughout the bodies of the reports in their  
21   respective sections.

22                There's a reference in the report -- let me  
23   find it real quick -- regarding his -- what we referred  
24   to as, like, a driver, I believe. "The driver appears  
25   to be his attitude." And that would be towards, you

1     **know, it doesn't mean, like, he had a bad attitude.**

2     **It's like his approach to ways of thinking.**

3             Q.     I don't understand.   What does that mean?

4             A.     **What part?**

5             Q.     Well, let's take it part by part.   What is  
6     a driver?   What does that mean?

7             A.     **They -- it is whatever criminogenic need**  
8     **would be determined as their greatest area of need.**

9             Q.     So your statement --

10            A.     **And since we are not -- I'm trying to think**  
11    **of the term I'm looking for here.**

12                    Since we are not, you know, psychologists  
13    or psychiatrists, it is what we feel that our -- based  
14    off of our experience and our knowledge, what we  
15    suspect would be his driver.   We're not saying this is  
16    definite 100 percent.   But based off of the information  
17    that we have available to us, this is what it would  
18    appear to be.

19            Q.     Can you point me to where in the report it  
20    says his driver is his attitude?

21            A.     **Page 12.   Towards the bottom.**

22            Q.     Okay.   So if I understand you correctly,  
23    you're saying that by noting "his driver appears to be  
24    his attitude," you're indicating that his attitude is  
25    his greatest criminogenic need?

1           A.     That's -- yeah.   Correct.

2           Q.     And what does he need to do to improve or  
3 address that need?

4           A.     I don't think it's -- I don't think  
5 it's -- it's not like -- like I said, it's not like I'm  
6 saying he has a bad attitude, because he didn't.

7                     Like, our conversation with him -- my  
8 conversation with him -- was not a poor conversation.  
9 It would be if I had -- I can get a copy of the  
10 criminogenic needs for you that shows the, you know,  
11 like, key points and the -- I don't have it with me,  
12 but I can get it if you'd like a copy of it.

13          Q.     Sure.   That would be great.   You can give  
14 it to your attorneys, so they can give it to us, if it  
15 hasn't already been produced.   I'm just trying to  
16 understand what you mean by his attitude.

17          A.     Like I said, it's -- I don't want to say --  
18 it's hard to explain.   But it's, like, their -- the way  
19 I look at it.   'Cause it's not very specifically  
20 identified.

21                     And so when I look at someone's attitude, I  
22 look at their approach, like, decision-making process.  
23 And what goes into their decision-making.   And since we  
24 have information that's based off of the time since  
25 they've been incarcerated, that's generally where I

1     **look.**

2             Q.     And you come to the conclusion in your  
3     report that you think that Sidney would continue to be  
4     a risk to the community if he were released, correct?

5             A.     **Yes. I think that's what it says in here.**

6             Q.     How did you come to that conclusion?

7             A.     **Do you want me to read the section that we**  
8     **have?**

9             Q.     If you can just tell me. I mean, I guess  
10    if you don't remember you can read it.

11            A.     **I think my biggest concern was his**  
12    **adjustment and the nature of the violations that he was**  
13    **receiving.**

14            Q.     Anything else that you considered in coming  
15    to your conclusion that Sidney would continue to be a  
16    risk to the community if he were released?

17            A.     **Possibly his program participation.**

18            Q.     What do you mean by that?

19            A.     **It's stated that he participated in**  
20    **programming; however, it appears he has completed the**  
21    **same programs on more than one occasion. And I noted**  
22    **that while this was still positive involvement, he**  
23    **failed to expand his involvement to other programming.**

24            Q.     Anything else?

25            A.     **I noted the new felony offense that**

1     **occurred while he was incarcerated. I believe that's**  
2     **it specifically.**

3             Q.     Now, at one point you had some questions,  
4     didn't you, about the recommendation section of your  
5     JL WOP prehearing reports?

6             A.     **I had a question?**

7             Q.     Do you remember that?

8             A.     **I don't recall. What question did I have?**

9             Q.     I'll show you Exhibit 10.

10            (Deposition Exhibit No. 10 was marked for  
11     identification.)

12     BY MS. BREIHAN:

13            A.     **It's Bliesath 31.**

14            Do you recognize this email?

15            A.     **Yes.**

16            Q.     And what is it?

17            A.     **It was an email sent to Kelly Dills and my**  
18     **supervisor regarding the recommendations section for**  
19     **the hearing.**

20            Q.     Okay. So why were you sending this  
21     question to Kelly Dills?

22            A.     **Because of the way the statute -- the**  
23     **statute or the bill read -- it was unclear whether or**  
24     **not we were supposed to make a recommendation. 'Cause**  
25     **it states they can petition at 25 years and then again**



1 at 35 years. And the parole board's decision-making  
2 doesn't span ten years.

3 So I wanted a clarification whether or not  
4 we were supposed to make a recommendation prior to the  
5 ten-year re-filing of the petition.

6 Q. Why didn't you just direct that question to  
7 your supervisor Scott Berkbigler?

8 A. He probably told me to ask somebody in our  
9 central office. If I had to guess. I don't recall  
10 specifically.

11 Q. Do you remember talking to him about this?

12 A. Probably to the extent of this right here,  
13 just asking him if we were supposed to make a  
14 recommendation. And he would have said, well, why  
15 don't you contact the next person.

16 Q. And you were told by Ms. Dills to just  
17 treat the recommendation as you would with any other  
18 offender, correct?

19 A. Correct.

20 Q. Did you ever ask Ms. Dills any other  
21 questions about these JL WOP parole hearings?

22 A. It's possible. If I would have, it would  
23 have been via the email. If it's not in there, then,  
24 no.

25 Q. Okay. Have you ever attended a parole

1 hearing?

2 A. Uh-huh.

3 Q. You have?

4 A. Yes.

5 Q. Do you do that regularly?

6 A. No.

7 Q. When you do, what's your role?

8 A. If I'm present at a hearing, it is as an  
9 escort for the victims section, or the victims that  
10 would attend the hearing, or the victims'  
11 representatives.

12 Q. Did you attend Sidney Roberts' parole  
13 hearing?

14 A. I did.

15 Q. You did. Okay.

16 Who else was present?

17 A. I believe our victims services coordinator  
18 was present. A representative for the victims' side of  
19 the hearing. And Mr. Roberts. And his mother, I  
20 believe. And I think you mentioned that his mother was  
21 there. I think I recall her being there.

22 Q. Do you know who was there from the victims  
23 services office?

24 A. Kim Evans, I believe.

25 Q. And do you know who was there for the

1

2

**A.**

3

4

Q. What was your role at Sidney Roberts' parole hearing?

5

6

**A. An escort for the victim's representation.**

7

Q. For Ms. Evans?

8

**A. Yeah. Like, we just literally have to escort them in the facility. And we don't -- that's pretty much our role.**

10

11

Q. But then you stay for the hearing itself, too?

12

13

**A. Right.**

14

Q. Do you recall what happened at the parole hearing?

15

16

**A. Part of it.**

17

Q. Tell me everything that you remember about Sidney Roberts' parole hearing.

18

19

**A. It ran the same as any other parole hearing.**

20

21

**They do introductions. The victim's portion is held at the beginning of the hearing.**

22

23

**Mr. Roberts and his delegate. And then the hearing is closed. And we leave.**

24

25

Q. So was Sidney present for the victim's part

1 of the -- at the very beginning of the hearing?

2 A. I don't recall. Possibly. I don't  
3 remember.

4 Q. [REDACTED]  
5 [REDACTED]?

6 A. Yes.

7 Q. And you were present for the entire  
8 hearing?

9 A. Yes.

10 Q. At what point did you leave the room?

11 A. Generally, the offender would leave and  
12 then we get up and leave.

13 Q. Did you hear any conversation between any  
14 panel members after Sidney left the room?

15 A. No. They don't talk when we're in there.

16 Q. Did you engage in any discussion with  
17 anyone on the panel at any point in time about Sidney's  
18 case?

19 A. No.

20 Q. They didn't ask you any questions?

21 A. I don't recall any, no. It's not general  
22 practice, so, no.

23 Q. Were you present when the hearing panel  
24 voted?

25 A. No.

1           Q.    Did you listen to the audio recording of  
2   Sidney's hearing at any point?

3           A.    No.  We don't have access to that.

4           Q.    What do you mean by that?

5           A.    We don't have -- we don't have the ability  
6   to do that.  I don't.  I have never had the need to,  
7   either.

8           Q.    Have you spoken to anybody, other than your  
9   attorneys, about Sidney Roberts' parole hearing?

10          A.    No.

11          Q.    And Sidney was denied parole, correct?

12          A.    Yes.

13          Q.    How did you learn about the decision?

14          A.    It is given to us through the -- through  
15   our system.

16          Q.    The OPT II?

17          A.    Yes.

18          Q.    And did you deliver the decision to Sidney?

19          A.    It was either delivered to him via  
20   institutional mail or given to him.

21          Q.    Do you recall giving it to him personally?

22          A.    I don't recall giving it to him personally.  
23   Sometimes, if were not there, though, the other officer  
24   may do it.  Or may not.  It just depends.

25          Q.    Before I move on, do you recall anything

1 more specific about what the prosecuting attorney said  
2 at Sidney Roberts' hearing?

3 **A. I don't recall, no.**

4 Q. Do you recall anything specific about what  
5 Sidney Roberts himself said at his parole hearing?

6 **A. Not specifically. I mean, it's been a**  
7 **little while. No.**

8 Q. Do you recall anything specific about what  
9 Sidney's mother said at his hearing?

10 **A. I do not recall, no.**

11 **(Deposition Exhibit No. 11 was marked for**  
12 **identification.)**

13 BY MS. BREIHAN:

14 Q. I'm going to show you what I've marked as  
15 Exhibit No. 11. It's AGO2482 and 2843.

16 Do you recognize this?

17 **A. I recognize the document. They look all**  
18 **the same.**

19 Q. This is the standard form for parole  
20 decisions?

21 **A. Yeah.**

22 Q. But you have not seen Sidney Roberts?

23 **A. No, I have; yes.**

24 Q. So you've seen this document before today?

25 **A. Yes.**

1           Q.    So who actually generates this piece of  
2   paper?

3           A.    **Central office. I don't know who**  
4   **specifically at central office, but central office does**  
5   **it.**

6           Q.    And the lines on the bottom of the first  
7   page are meant to give the inmate an explanation for  
8   the reasons of the board's decision, correct?

9           A.    **Yes.**

10          Q.    And so on Mr. Roberts' form, it says that  
11   "release at this time would depreciate the seriousness  
12   of the present offense based on, A, circumstances  
13   surrounding the present offense," correct?

14          A.    **That's what it states, yes.**

15          Q.    And he gets a four-year setback it looks  
16   like?

17          A.    **Correct.**

18          Q.    Now, in your report, I think you  
19   recommended a five-year setback, didn't you?

20          A.    **I believe so, yes.**

21          Q.    Yeah. It looks like on your prehearing  
22   report you recommend [REDACTED]

23   [REDACTED].

24          A.    **Correct.**

25          Q.    Did you ever discuss with anyone why the

1 board went with a four-year setback as opposed to a  
2 five-year setback?

3 **A. No.**

4 Q. And you can't remember whether you  
5 delivered this to Sidney?

6 **A. I don't recall, no.**

7 Q. Did he ever have any questions about the  
8 decision?

9 **A. He sent one letter of correspondence, I  
10 believe, which I provided.**

11 (Deposition Exhibit No. 12 was marked for  
12 identification.)

13 BY MS. BREIHAN:

14 Q. I'll hand you what I've marked as  
15 Exhibit 12.

16 Is this the correspondence you just  
17 referred to?

18 **A. Yes.**

19 Q. It looks like it's dated April 14, 2017,  
20 correct?

21 **A. Correct.**

22 Q. Do you remember when you received this?

23 **A. I don't know. It would have been whenever  
24 the date of my response was.**

25 Q. You responded the very same day?



1           A.    I don't know if he wrote it on the 14th.  
2    It probably took a day or two to go through the  
3    internal mail system to get to me. I don't know the  
4    exact time frame, though, if it was a weekend, or I had  
5    a thousand other things to do.

6           Q.    And this is a document that you produced in  
7    response to the subpoena that the plaintiffs served in  
8    this case, correct?

9           A.    Correct. "Any correspondence" is what I  
10   was told.

11          Q.    Understood.

12               Where was this kept?

13          A.    In my -- a box with correspondence in it.

14          Q.    Just for each inmate? Or general  
15   correspondence?

16          A.    If I receive a letter from an offender that  
17   I provide a response to, I keep them attached to each  
18   other and in a box.

19          Q.    Okay. And how long do you keep those  
20   letters?

21          A.    It just -- I don't -- there's no specific  
22   time frame. I probably have them for a while.

23          Q.    And do you recall what the kind of the gist  
24   of the letter was?

25          A.    Sidney's letter?

1           Q.    Yeah.  Without looking, do you remember?  
2   If not, then you can read through it.

3           **A.    It would have just been why the decision**  
4   **was made.  Why his decision was made a certain way.**

5           Q.    Sidney's telling you he doesn't understand  
6   the decision, correct?

7           **A.    Right.**

8           Q.    And he says that actually you had told him  
9   that because of the juvenile life without ruling that  
10   the board could not use seriousness of the offense to  
11   deny him release on parole, correct?

12          **A.    It was my understanding that that could not**  
13   **be the sole reason.**

14          Q.    And what was your understanding based on?

15          **A.    The senate bill.  The verbiage in the bill**  
16   **or the statute.  Whatever the -- whatever it is.  The**  
17   **formal stuff on the --  I believe it's the bill.  It's**  
18   **in the statute noting what goes into the decision.**

19          Q.    So you're saying based off of your reading  
20   of Senate Bill 590, it's your understanding that the  
21   board couldn't use seriousness of the offense to deny  
22   parole for a juvenile life without?

23          **A.    Not solely.  But it could still be a**  
24   **factor, but it should not operate alone.**

25          Q.    Were you basing that understanding off of

1 conversations with anyone? Or solely your reading of  
2 the bill?

3 A. No. My interpretation of such.

4 Q. But that's the only reason that's stated in  
5 support of the board's decision, the notice that we  
6 marked as Exhibit 11, correct?

7 A. Right.

8 Q. So what was your reaction when you received  
9 this letter from Sidney, and his questions about the  
10 setback, and the basis for the board's decision?

11 A. It's difficult to interpret someone else's  
12 decision and what goes into their thought process.

13 The only thing I could do is -- what I did  
14 do -- which is try to explain to him that while that  
15 may be the only thing check-marked right there, that  
16 anything that's discussed throughout the entire hearing  
17 would be information that's used to make a decision.

18 So I was trying to explain to him that, you  
19 know, I can assure you -- and I think those are the  
20 words I put in my response to him -- that that is not  
21 the only thing used to make a decision. Only because  
22 it is a total, you know, process. It's the minute the  
23 hearing starts, to the minute that it closes, all of  
24 that information, to include the file information, is  
25 used to in the decision-making process.

1           Q.    So you don't think that this Exhibit 11 is  
2   a complete explanation for the board's decision?

3           A.    Could they have put additional things on  
4   there?  Yes.

5           Q.    It sounds like it's incomplete.  Because  
6   you told Sidney, and testifying today, that this is not  
7   the only reason for the board's decision?

8           A.    I did not make the decision.  I cannot  
9   state whether this form is complete or incomplete.

10                  Do I feel as though it should have  
11   additional reasons marked?  Yes.  But that is solely my  
12   opinion.  That is not -- I'm not -- I don't have the  
13   ability to say if their form is complete or incomplete.

14           Q.    Sidney tells you he wants to appeal the  
15   decision?

16           A.    Right.

17           Q.    And he asks to speak with you about it,  
18   right?

19           A.    He may have asked that, yes.

20           Q.    Did you speak with him about his concerns?

21           A.    I don't know that I spoke to him, no.  I  
22   may have just sent him my response.  And generally if  
23   they respond back, that's when we'll try to resolve it  
24   other ways.

25                  (Deposition Exhibit No. 13 was marked for

1     **identification.)**

2     BY MS. BREIHAN:

3             Q.     I'll hand you what I've marked as

4     Exhibit 13.    It's Bliesath 34.

5             Is this your response to Sidney that you  
6     were talking about?

7             **A.    Yes.**

8             Q.     And it's dated April 18th, 2017, correct?

9             **A.    Correct.**

10            Q.     Would that have been the date that you sent  
11     it to him?

12            **A.    Yes.**

13            Q.     I think you testified a moment ago that you  
14     responded the same day that you received the letter?

15            **A.    It would have been in or around that time**  
16     **period.**

17            Q.     And in here you tell him that the comment  
18     on the form represents just one reason why the board  
19     made its decision, but you assure Mr. Roberts it's not  
20     the sole reason that he received reconsideration versus  
21     a release date, correct?

22            **A.    Right.**

23            Q.     How do you know that this is not the sole  
24     reason for the board's decision?

25            **A.    Like I just said, I think the way I maybe**

1 explained it to him was interpreted differently, but I  
2 meant as a hearing, in its entirety, everything is --  
3 is -- goes into the decision-making process.

4 If it was based solely on just the  
5 circumstances of the offense, then you would go into  
6 the hearing, you would discuss the present offense, and  
7 then it would be over, and then you would leave. You  
8 would dismiss all parties.

9 But they spend the entire tire time  
10 discussing. And since I was present for his hearing, I  
11 know that they spent additional time in the hearing  
12 discussing more than just the present offense.

13 So should they have maybe noted additional  
14 items on there? Possibly. That's not my decision.  
15 But I can -- you know, especially having been at his  
16 hearing -- you know, I look at anything that's  
17 discussed during a hearing goes into a decision-making  
18 process. So that's -- that's what I was referring to.  
19 It maybe didn't come out so eloquently on paper, but  
20 that's what I was referring to.

21 Q. So are you aware of what options the board  
22 has for explanation for its decision?

23 A. I don't know that. I don't know the  
24 specific things, no.

25 Q. Do you know whether institutional

1 adjustment is a reason that the board can cite?

2 A. I do know that is one of them. Right.

3 Q. And you said you were present at his  
4 hearing and you know they talked more about his crime?

5 A. Yes.

6 Q. A few minutes ago you said you don't  
7 remember what was said at his hearing.

8 A. Well, I know at hearings -- in his hearing,  
9 I don't remember the specific words, but I know that  
10 there was more than just the present offense discussed.  
11 I've never been at a hearing where only the crime  
12 itself was discussed and nothing further. That's never  
13 happened, to my knowledge.

14 Q. So did you discuss, when you got Sidney's  
15 letter, did you call anyone on the parole board to ask  
16 them about how they made their decision?

17 A. No.

18 Q. Did you speak to an analyst about why they  
19 made this decision?

20 A. No.

21 Q. Who was the -- who was the district  
22 administrator on Sidney's hearing panel?

23 A. [REDACTED]

[REDACTED] [REDACTED]

25 A. Yeah.

1           Q.    Did you speak to Mr. [REDACTED] about  
2   Sidney's question and the basis for the board's  
3   decision?

4           **A.    No.**

5           Q.    Did I read somewhere in the parole file, or  
6   the steps we were talking about earlier, where it said  
7   the board's decision was also noted on these other  
8   factors that are not noted in Exhibit 11?

9           **A.    No.**

10          Q.    So it's just based of an assumption without  
11   you having verified it with the board or the hearing  
12   panel?

13          **A.    It was based off of my experience in that**  
14   **setting. Not just his specific hearing, but in**  
15   **general. I mean, we complete a report based off**  
16   **of -- you know, I mean this is a 13-page report off of**  
17   **numerous different portions or sections. And to say**  
18   **that it was only based off of this, like I said, should**  
19   **there have been additional things possibly checked on**  
20   **there? Sure. But that's not my call. I can't make**  
21   **that decision.**

22          Q.    And you weren't present for the vote by the  
23   board or the panel?

24          **A.    That's correct. No, I was not present.**

25          Q.    And you weren't present for any



1 deliberations by the panel or the board in his case,  
2 correct?

3 **A. That's correct.**

4 Q. You also note in your letter to Sidney that  
5 their decision, due to the fact that they gave him four  
6 versus five-year setback, in your opinion, indicates  
7 that they are aware of Sidney's efforts and would like  
8 to continue seeing improved behavior and  
9 accomplishments.

10 How do you know that?

11 **A. I don't know that specifically. Like I**  
12 **said, I'm just giving them, you know, based off of what**  
13 **I've seen in 11 years, and circumstances, you know,**  
14 **that are similar, is that, obviously, they thought**  
15 **there was something there.**

16 **Again, this is just my opinion, of noting**  
17 **his improvements and such, versus giving him a five,**  
18 **they gave him a four. And, again, that's -- that is,**  
19 **to me, them being aware of those efforts.**

20 Q. So one of the ways that Sidney could  
21 continue improving his behavior and accomplishments is  
22 expanding his program participation, correct?

23 **A. Sure. Maintaining his good adjustment.**  
24 **Expanding his programming. Just anything really.**

25 Q. But there's no direction from the board in

1 Exhibit 11 about participating in certain programs,  
2 or --

3 A. No.

4 Q. Okay. And are you ever given an  
5 explanation by the panel or the board about why a  
6 specific setback was chosen?

7 A. No.

8 Q. Is the inmate ever given an explanation  
9 about that?

10 A. Other than my personal assessment of it,  
11 my -- based off of my experience, that's the only thing  
12 I can give them. And sometimes that helps them  
13 understand it better and sometimes it doesn't. I just  
14 give them what I think, essentially. It may or not  
15 have happened.

16 Q. So what does it mean when someone is denied  
17 parole based on circumstances surrounding the present  
18 offense?

19 A. What do you mean what does it mean?

20 Q. Well --

21 A. To me, that's --

22 Q. What does that mean to you? How do you  
23 interpret that?

24 A. Based off of the circumstances surrounding  
25 the offense, or, like, the nature of the offense, that

1       that's why parole was denied at the time.

2               Q.     'Cause the crime is serious, and that's why  
3 they --

4               A.     Possibly, yeah.

5               Q.     Okay. What else might it mean?

6               A.     To me, it's pretty cut and dry. I mean, if  
7 they have additional thoughts behind it, I don't know  
8 if they're taking it further --

9               Q.     Well --

10              A.     -- in the explanation. But to me, it would  
11 just mean that due to the nature and the circumstances  
12 of the offense, but ...

13              Q.     And in his letter Sidney expresses some  
14 confusion about this, right? And that the  
15 circumstances of his offense are never going to change?

16              A.     Correct. I agree.

17              Q.     So how could Sidney ever be eligible for  
18 his parole if the only reason cited for denial is a  
19 factor that will never change?

20              A.     And that's -- that's not a question for me.  
21 That has nothing to do with me.

22              Q.     You don't know that?

23              A.     I can't speak on that. All I can do is  
24 encourage additional positive, you know, reinforcement  
25 on what could be done. I can't say that -- I can't,

1 I guess, speak on behalf of the board. It's not my  
2 place.

3 (Deposition Exhibit No. 14 was marked for  
4 identification.)

5 BY MS. BREIHAN:

6 Q. I'll hand you what I've marked as  
7 Exhibit 14. It's AGO2964 through 2966.

8 Do you recognize this document?

9 A. No.

10 Q. Have you ever seen this before today?

11 A. I don't recall. It's possible, but I don't  
12 remember it, no.

13 Q. It appears to be a letter from Sidney to  
14 you. And it's stamped as having been received by the  
15 Board of Probation and Parole on December 16, 2016. It  
16 looks like on the last page it's copied to Kelly Dills.

17 Do you see that?

18 A. Yeah. That stamp is not my office.

19 Q. Sure. But it's directed to you with a  
20 carbon copy to Kelly Dills, correct?

21 A. Right.

22 Q. You don't recall receiving this?

23 A. I don't. I could have though and I don't  
24 recall.

25 Q. Is it every day that there's a comment that

1 you would receive, a document like this, an indication  
2 of rights, before an inmate's parole hearing?

3 **A. No. I mean, say that again.**

4 Q. Is it common that you would receive a  
5 document like this?

6 **A. No.**

7 Q. So since you don't recall this document,  
8 safe to say you don't remember having any conversations  
9 with anyone about it?

10 **A. No.**

11 Q. Have you received any training specific to  
12 juvenile offenders?

13 **A. I think we discussed last week, not -- no,**  
14 **I don't work with juvenile offenders, so ...**

15 Q. Sidney Roberts is a juvenile offender?

16 **A. He committed his offense as a juvenile. I**  
17 **mean, I work at an all-male institution where**  
18 **everyone's 18 years of age or older.**

19 Q. Right.

20 So have you received any training for  
21 working with adult males who were serving time for  
22 offenses that they committed when they were under 18?

23 **A. No.**

24 Q. Have you ever received any training in how  
25 to conduct these JL WOP prehearing interviews or

1     hearings themselves?

2             **A.     No.     Other than the worksheet that we have.**

3             Q.     But that's not training, is it?

4             **A.     No.     It's just a guide.     A worksheet.**

5             Q.     Have you received any training in child  
6     psychology or adolescent development?

7             **A.     No.**

8             Q.     Have you ever asked for any such training?

9             **A.     No.**

10            Q.     And, to your knowledge, has anyone  
11     recommended that you or other parole staff receive such  
12     training?

13            **A.     No.**

14            Q.     So last week we marked as Exhibit 3, your  
15     training record.     I just have a couple of quick  
16     questions about some of the training courses.

17                    One is on page three, it's the SFS scoring,  
18     in September of 2016.     The salient factor score.

19            **A.     The one that says --**

20            Q.     IPO specific?

21            **A.     Okay.**

22            Q.     What did that training entail?

23            **A.     I don't recall specifically.     It would have**  
24     **to do something with the calculation of the salient**  
25     **factor scores though.**

1           Q.    And what about right below it, the  
2    criminogenic behavior, two refreshers.  What did that  
3    entail?

4           A.    **The reading of the criminogenic histories.**

5           Q.    What do you mean?  It taught you how to  
6    read them?

7           A.    **It goes over, like, reading and entering**  
8    **the criminogenic history information.**

9           Q.    And what did it teach you about doing that?

10          A.    **What do you mean?**

11                **It's like -- it's like a data entry.  Or,**  
12   **like, if you -- when you print out someone criminogenic**  
13   **history, and, like, out of MO-CIC, it just shows you**  
14   **how to break down that information.  And if it's not**  
15   **something that's Department of Corrections-related,**  
16   **like, they're currently incarcerated for it, then we**  
17   **would go over then how to enter it into our system.**

18          Q.    So it was more like technical data entry  
19    training?

20          A.    **Yeah.**

21          Q.    Okay.  And then on the next page there's a  
22    program from December 2015 on advanced motivational  
23    interviewing.

24                On the very bottom of the page,  
25    December 2016.

1           **A.    Yes.**

2           Q.    What did that training entail?

3           **A.    I don't recall specifically. I don't**  
4 **recall specifically. It looks like it was probably an**  
5 **online course, if I had to guess.**

6           Q.    How can you tell that?

7           **A.    I'm only saying that based off of the time.**  
8 **The allotment of hours. I would assume that was an**  
9 **online course.**

10          Q.    You testified that you also conducted  
11 prehearing interviews with [REDACTED]  
12 [REDACTED], and [REDACTED], correct?

13          **A.    I believe those. I don't know about any**  
14 **other ones though.**

15          Q.    You said you recalled Mr. [REDACTED] because  
16 it was the most recent, correct?

17          **A.    Yes.**

18          Q.    And you interviewed him in September of  
19 this year; is that correct?

20          **A.    Yes.**

21          Q.    Do you remember the date of your interview?

22          **A.    I do not.**

23          Q.    What was your recommendation and assessment  
24 for Mr. [REDACTED]?

25          **A.    Is that --**



1 MR. CRANE: If you know.

2 MR. SPILLANE: If you don't know --

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED]:

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED].

10 Q. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED].

17 Q. Do you know whether he was granted parole?

18 A. He was not.

19 Q. Were you at Mr. [REDACTED]' parole hearing?

20 A. I don't think I was, no.

21 Q. Okay.

22 A. His victims -- he had victims present, but  
23 they did not wish to stay for his portion. So at that  
24 point, we leave. Like I said, we're just escorts for  
25 the victims.

1           Q.    So you were present for the victims'  
2    portion, but not his?

3           A.    Correct.

4           Q.    What do you recall from the victims'  
5    portion of Mr. Clemmons hearing?

6           A.    I don't remember specifically, but it was  
7    nothing out of the ordinary.

8           Q.    Did they talk about the facts of the crime?

9           A.    I don't believe it was discussed in, like,  
10   great detail, no.

11          Q.    What did they talk about?

12          A.    I think it was the victim's mother that was  
13   present. I think she just discussed her recollection  
14   of the events. And then there was prosecution  
15   representation there as well. And they provided a  
16   document to the panel.

17          Q.    A written document?

18          A.    Something. I don't remember what it was  
19   exactly, but, yes.

20          Q.    So Mr. [REDACTED] had no way of knowing that  
21   victims' representatives or the prosecutor were present  
22   at his hearing because they left before he came in?

23          A.    Correct. I don't know if he knows or not.  
24   We don't disclose that information due to the interest  
25   of the victim. If it he got wind of it somehow, I

1     **mean, I don't know.**

2             Q.     Okay. I'll hand you what I've marked as  
3     Exhibit 14.

4                     (Deposition Exhibit No. 14 was marked for  
5     identification.)

6                     (Remarked as Exhibit 15.)

7     BY MS. BREIHAN:

8             Q.     Have you seen this two-page document  
9     before?

10            **A.     I have, yes.**

11            Q.     And this is the parole decision notice for  
12     ██████ ██████, correct?

13            **A.     Correct.**

14            Q.     And he was given a four-year setback,  
15     correct?

16            **A.     That's correct.**

17            Q.     Based solely on the circumstances  
18     surrounding the present offense, correct?

19            **A.     That's what it notes, yes.**

20            Q.     So, again, as Mr. Roberts' case, this is  
21     the only reason for their decision?

22            **A.     I can't speak on that. I would like to**  
23     **think no.**

24            Q.     Did █████. █████ have any questions to you  
25     about the board's decision?

1           A.    He did.  He sent me a letter and I  
2 responded to him.

3           Q.    What did he ask you?

4           A.    Um, I don't remember specifically, but it  
5 was something about an understanding of why the  
6 decision was made.

7                   And I probably gave him a similar response  
8 that I did with Mr. Roberts.  I was possibly a little  
9 more confused as well, as far as why the decision was  
10 made.

11          Q.    What more could, I guess, what more could  
12 Mr. [REDACTED] do?

13          A.    I would agree with that.  I don't --

14               MR. CRANE:  I'll just object to this line  
15 of questions as to relevance, but you can answer.

16               MS. BREIHAN:  You already answered.  Your  
17 objection's noted.

18 BY MS. BREIHAN:

19          Q.    What about Mr. [REDACTED], when did you  
20 interview him?

21          A.    I don't recall the exact.  He was one of  
22 the earlier ones.

23          Q.    So in 2016 some time?

24          A.    Yes.

25          Q.    And what was your recommendation for

1 Mr. [REDACTED] ?

2 A. [REDACTED]

3 [REDACTED] .

4 Q. [REDACTED] ?

5 A. [REDACTED]

6 [REDACTED] .

7 Q. [REDACTED]

8 [REDACTED]

9 A. [REDACTED]

10 Q. [REDACTED]

11 [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] .

13 [REDACTED] [REDACTED] ?

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED] .

21 [REDACTED] [REDACTED]

22 [REDACTED] ?

23 [REDACTED] [REDACTED] [REDACTED] .

24 [REDACTED] [REDACTED]

25 A. [REDACTED] [REDACTED]

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[REDACTED]

[REDACTED].

[REDACTED]

[REDACTED]?

[REDACTED]

Q. And in your opinion that complies with the senate bill, and the Miller/Montgomery, and the idea that juveniles should be given a meaningful and realistic opportunity for release?

A. I can't really speak on that. I just go off what's required based off our policies and procedures, and the statutory requirements for the crimes that are there, so ...

Q. Were you present for Mr. Goforth's hearing?

A. I don't recall. I don't think I was though.

Q. What about Mr. -- I'm sorry, do you remember what the decision was by the board in Mr. [REDACTED] case?

A. I think they put him on a schedule based off of that consecutive requirement.

Q. Okay. And what about [REDACTED], when did you interview Mr. [REDACTED]?

A. I think he was the first one that I did. And that would have been even earlier than in 2016. I

1 think it was one of the first petitions that they  
2 actually had.

3 Q. And what was your recommendation for  
4 Mr. Vincent?

5 A. I don't recall. I would have to say --

6 MR. SPILLANE: If you don't remember, don't  
7 guess.

8 [REDACTED] [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED].

15 Q. And when was Mr. [REDACTED] parole hearing?

16 A. It would have been approximately a month  
17 after our interview with him. I don't recall.

18 Q. Some time in 2016?

19 A. Yeah.

20 Q. Were you present for his parole hearing?

21 A. I don't recall. If there was victims  
22 present, then I would have been.

23 Q. And what was the decision in Mr. [REDACTED]  
24 case?

25 A. I believe he received a reconsideration

1     **hearing.**

2             Q.     Do you remember if he received a five-year  
3     setback?

4             A.     **I don't remember. I don't recall.**

5             Q.     Do you remember the reason was for the  
6     board's decision was?

7             A.     **I don't.**

8             Q.     Were you present during any meetings when  
9     Senate Bill 590 was discussed?

10            A.     **No.**

11            Q.     And you read the bill yourself?

12            A.     **Uh-huh. Yes.**

13            Q.     Were you present during any meetings when  
14     Miller versus Alabama was discussed?

15            A.     **No.**

16            Q.     Were you present during any meetings when  
17     Montgomery versus Louisiana was discussed?

18            A.     **No.**

19            Q.     Were you present during any meetings, or  
20     just catch-all conversations, when this lawsuit was  
21     discussed?

22            A.     **No.**

23            Q.     Have you talked, discussed this lawsuit,  
24     with anyone other than your attorneys?

25            A.     **Only other than our legal counsel to make**



1     **sure what I could bring with me. But that would be it.**  
 2     **I was told you guys already had copies of everything.**

3             Q.     Are you aware of language in the Miller or  
 4     Montgomery Supreme Court decisions that say life  
 5     without parole should be reserved only for the rarest  
 6     of juvenile offenders whose crime reflects irreparable  
 7     corruption?

8             MR. SPILLANE: I'm gonna object to the  
 9     question because it's already been asked and answered  
 10    that she hasn't heard of those cases.

11            But you can answer.

12            MS. BREIHAN: It was a different question.

13            MR. SPILLANE: I disagree.

14    BY MS. BREIHAN:

15            Q.     You can answer.

16            **A.     Can you repeat it again?**

17            Q.     Yeah.

18            Are you aware of language in the Miller or  
 19    Montgomery decisions that life without parole should be  
 20    reserved for the rarest of juvenile offenders whose  
 21    crimes reflect irreparable corruption?

22            **A.     If that is mentioned in the senate bill,**  
 23    **then I would've -- if it would have made a note of**  
 24    **that, I don't recall. The verbiage sounds familiar,**  
 25    **but if it was within the other document.**

1 Q. So only if it's mentioned in the 590?

2 A. Yes.

3 Q. What does irreparable corruption mean to  
4 you?

5 MR. SPILLANE: Again, I'm going to object,  
6 but you may answer.

7 THE WITNESS: I would rather not answer.

8 BY MS. BREIHAN:

9 Q. Okay. Do you not know?

10 A. I don't -- I can't give a specific example  
11 as to what that would be that I would think would be  
12 specific. You know.

13 Q. Okay. Do you have a general answer about  
14 what irreparable corruption means?

15 A. I mean, no.

16 Q. Or what it means for somebody to be  
17 irreparably corrupt or permanently incorrigible?

18 A. I mean, I understand that. I don't know  
19 what a good example of that would be.

20 It could be -- and that's very vague to me.  
21 I mean, it's specific, but yet it's broad.

22 So, I mean, we're not assessing the  
23 juvenile. You know, he was -- they were juveniles when  
24 they committed the offense, but we're looking at also  
25 their, you know, their adjustment and growth since that

1     **time period.**

2             Q.     But Senate Bill 590, when it talks  
3     about -- when it talks about the inmate's right to  
4     petition the board, it's talking about a review of the  
5     sentence, right?

6             **A.     The review of the sentence itself?**

7             Q.     It says they may petition the board for  
8     review of their sentence, correct?

9                     I wish I had the bill with me today. I  
10    don't think I do.

11            Do you remember that language in the bill?

12            **A.     Not specifically.**

13            MS. BREIHAN: I don't have any further  
14    questions.

15    CROSS-EXAMINATION BY MR. SPILLANE:

16            Q.     How long have you been an institutional  
17    parole officer?

18            **A.     I'm on my eleventh year, so ten years**  
19    **completed.**

20            Q.     During that eleven years, have you ever  
21    seen a case where a person was initially denied, and  
22    the notice said it was based on the seriousness and  
23    circumstances of the offense, and they were later  
24    granted parole?

25            **A.     Yes. I may not have been present for the**

3 Q. In your experience, about what percentage  
4 of people -- if you don't know, don't answer -- that  
5 are eligible for parole eventually receive parole?

6           A.    I don't know an exact percentage, other  
7   than, you know, they state that 95 percent of those  
8   that are incarcerated at some point in time will be  
9   released.

A horizontal bar chart titled 'U.S. should take action to reduce global warming' showing the percentage of respondents who believe the U.S. should take action to reduce global warming. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists the age groups and genders, and the x-axis shows the percentage from 0 to 100. The bars are colored by age group: 18-29 (blue), 30-49 (orange), 50-69 (green), and 70+ (red). The data is as follows:

Age Group	Gender	Percentage
18-29	Male	85%
	Female	88%
30-49	Male	82%
	Female	85%
50-69	Male	78%
	Female	80%
70+	Male	75%
	Female	78%

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

Q. [REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

A. I would say yes, the main thing would be

11

the fact of his adjustment, his conduct violations, the

12

nature of such.

13

Q. And that would be carrying a weapon. And

14

you also mentioned that he resorts to or thought of

15

violence.

16

Could you tell me a little bit about that?

17

A. That is what I would connect to the

18

necessity of having a weapon on your person.

19

MR. SPILLANE: I have no more questions.

20

MS. BREIHAN: Just a couple follow-ups.

21

REDIRECT EXAMINATION BY MS. BREIHAN:

22

Q. You testified that you don't know

23

specifically how many people are eventually released on

24

parole, but you think 95 percent of the prison

25

population will be released?

1           **A.    I think that's what they've kind of always**  
2 **said to us.**

3           Q.    Do you know what percentage of individuals  
4 who are parole-eligible are given an outdate after  
5 their first hearing?

6           **A.    I don't know.**

7           Q.    Do you know how many people serving life  
8 with parole are released on parole after their first  
9 consideration hearing?

10          **A.    I do not know.**

11          Q.    And I assume the same answer would be for  
12 the percentage of people who are released at their  
13 second hearing?

14          **A.    I don't know.   Yeah.**

15          Q.    Who would know that data?

16          **A.    I don't know.   I don't know who you'd have**  
17 **to talk to about that.   I know I'm not privy to that**  
18 **information.   Unless I kept my one statistical data,**  
19 **which I don't know.**

20          Q.    But all four of individuals for whom you  
21 did prehearing reports were denied parole, correct?

22          **A.    Correct.**

23               MS. BREIHAN:   Nothing further.

24               MR. SPILLANE:   Nothing further.

25               I'm going to ask about signature.

1                   Do you want to read it for typos or do you  
2   want to let it go the way it is?

3                   (An off-the-record discussion was held.)

4                   THE WITNESS: I'll waive.  
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## 1 CERTIFICATE OF REPORTER

2 I, Kim D. Murphy, Certified Court Reporter,  
3 for the State of Missouri, do hereby certify that the  
4 witness whose testimony appears in the foregoing  
5 deposition was duly sworn by me; that the testimony of  
6 said witness was taken by me to the best of my ability  
7 and thereafter reduced to typewriting under my  
8 direction; that I am neither counsel for, related to,  
9 nor employed by any of the parties to the action in  
10 which this deposition was taken, and further that I am  
11 not a relative or employee of any attorney or counsel  
12 employed by the parties thereto, nor financially or  
13 otherwise interested in the outcome of the action.

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19 Kim D. Murphy, CCR  
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